

Amendments to the Drawings

Please see enclosed replacement sheets for Figures 8 and Figures 9 showing changes.

REMARKS

The current patent application has been reviewed in light of the Office Action, dated September 22, 2005, (hereinafter "the office action") in which: Fig. 8 and Fig. 9, the title, the abstract, the specification and claims 1-17 were all objected to because of a number of informalities, claims 1-4, 6, 11 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by Pasco et al, U.S. Patent No. 6,064,778 (hereinafter "Pasco"), claim 13 was rejected under 35 U.S.C. §103(a) over Pasco, claims 14-17 were rejected under 35 U.S.C. §103(a) over Pasco in view of Kerschner, U.S. Patent No. 5,985,928 (hereinafter "Kerschner") and claims 5, and 7-10 were objected to as being dependant upon rejected claims, however, the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Reconsideration of the above referenced patent application in view of the following remarks and previous amendments is respectfully requested.

Claims 1-17 are currently amended. Claims 18-35 are new. Claims 1-35 are currently pending.

Drawing Objections:

In the office action the Examiner objected to the Fig. 8 and Fig. 9 because of certain informalities. Assignee respectfully submits that the attached replacement sheets for to Figures 8-9 address the Examiner's concerns with certain informalities in the figures.

Assignee amended Fig. 8 by changing the phrase in box 50 "of colored pattern layer" to --with colored pattern layer-- in box 52 changing the phrase "Feeding in appropriate length" to --Feeding by appropriate length--and in box 53 changing the word "calcuating" to --calculating--.

Assignee also amended Fig. 9 by changing the phrase in box 50 "of colored pattern layer" to --with colored pattern layer-- in box 52 changing the phrase "Feeding in appropriate length" to --Feeding by appropriate length-- and in box 53 changing the word "calcuating" to --calculating--.

Claim Objections:

Assignee respectfully submits that the above amendments address the Examiner's concerns with certain informalities in the title, abstract, specification and claims. The above amendments are made without prejudice or disclaimer. Amendments to claims have been made to address the Examiner's objections and to more clearly delineate intended subject matter. Assignee believes that none of these claim amendments constitute narrowing amendments. In fact, some of these claim amendments are intended to be broadening amendments. Accordingly, Assignee does not intend to surrender claimed subject matter by submission of the above amendments and no prosecution history estoppel should apply.

Examiner objected to claims 1-17 because of a number of informalities. Assignee submits that the Examiner's objections to claims 1-17 have been addressed. Assignee respectfully requests that the Examiner withdraw the objections to claims 1-17.

Assignee further submits that the Examiner objected to claims 5, and 7-10 as being dependent on rejected claims. Assignee respectfully submits that the Examiner's objections are rendered moot by the above amendments and following remarks regarding claim rejections made in the office action. Accordingly, Assignee respectfully requests that the Examiner withdraw the objections to claims 5, and 7-10.

Claim Rejections:

The Examiner cited Pasco in rejecting each of claims 1-4, 6, 11 and 12 under 35 U.S.C. §102(b). These rejections are respectfully traversed.

Assignee respectfully submits that Pasco does not disclose all of the limitations of claim 1. For example, Pasco at least does not disclose "comparing the first image with the second image." Citing to Pasco, Col. 8, Lines 41-47, the Examiner stated "please note that the claimed step E language is interpreted such that the first image retrieval is compared, and the second image retrieval is compared, but not with each other, so as to be met by Pasco et al., since the "recorded points" of Pasco et al. from the data of the first reading and the data of the second reading are compared not with each other but each to points of the "straight line" [office action page 8, lines 11-16]. Nothing in Pasco discloses comparing the first image with the second image, therefore, Assignee respectfully requests that the Examiner withdraw the rejection to claim 1.

Assignee respectfully submits that claims 2-4, 6, 11 and 12 distinguish from Pasco on at least the same or similar basis as claim 1. Thus, Assignee respectfully requests that the Examiner withdraw the rejections to claims 2-4, 6, 11 and 12.

The Examiner cited Pasco in rejecting claim 13 under 35 U.S.C. §103(a) and claims 14-17 under 35 U.S.C. §103(a) in view of Kerschner.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Assignee's disclosure." MPEP § 2143. Assignee respectfully submits that the Examiner has not established a *prima facie* case of obviousness. The cited references do not teach or suggest all the limitations of claims 13-17. Neither Pasco nor Kerschner disclose "comparing the first image with the second image." Therefore, Assignee respectfully requests that the Examiner withdraw his rejections to claims 13-17.

It is believed that the foregoing arguments and amendments address all of the Examiner's concerns. Therefore, Assignee respectfully requests that the Examiner's objections and rejections of claims 1-17 on this ground be withdrawn. Claims 1-17 have been amended and new claims 18-35 have been added without prejudice or disclaimer. Support can be found throughout the specification for the new claims. For instance, support for claim 18 can be found at page 6, paragraph 0048 and page 9, paragraph 0053. No new matter has been added. The assignee respectfully submits that claims 1-35 are in condition for allowance.

Assignee gratefully acknowledges the Examiner's prospective allowance of claims 5, and 7-10 if written in independent form including all the limitations of the base and intervening claims. However, Assignee respectfully disagrees with the Examiner's statement on reasons for allowance to the extent that such reasons may be construed to limit the scope of the claims in any way, be construed in any way that limits equivalents of claimed subject matter, or in any way creates any prosecution history estoppel. For example, Assignee submits that the base claim, claim 1, and the intervening claim, claim 4, distinguish from Pasco on many other basis than those described by the Examiner including the limitation "comparing the first image with the second image" as discussed above.

Any amounts due may be charged to deposit account number 50-3703.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the current patent application as amended are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the current patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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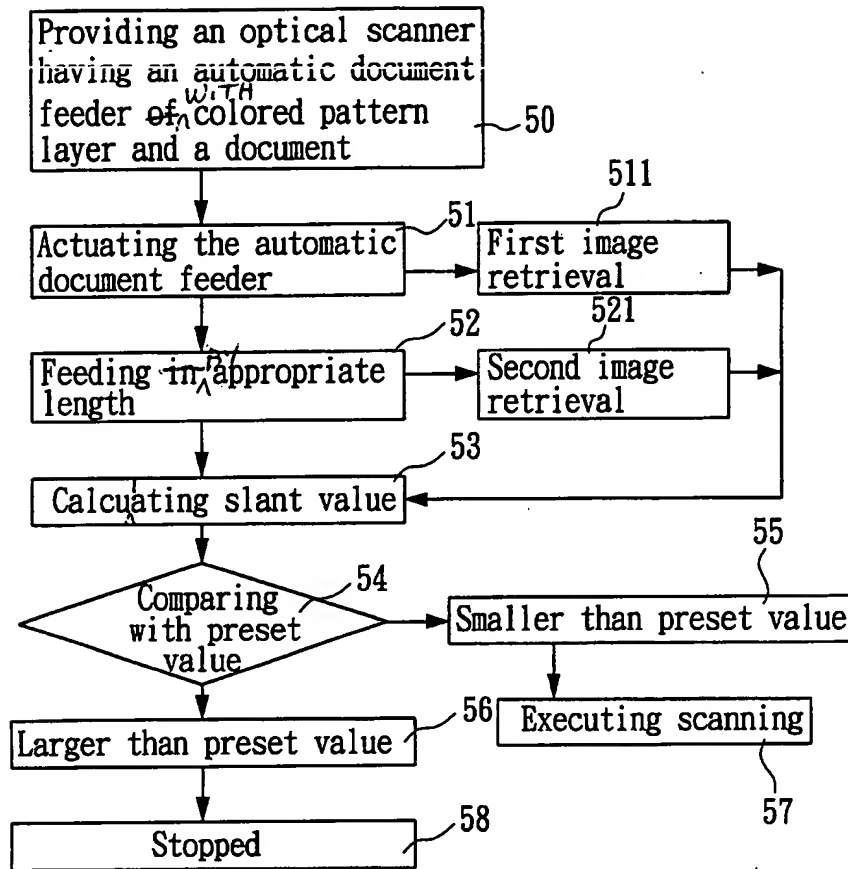


FIG. 8

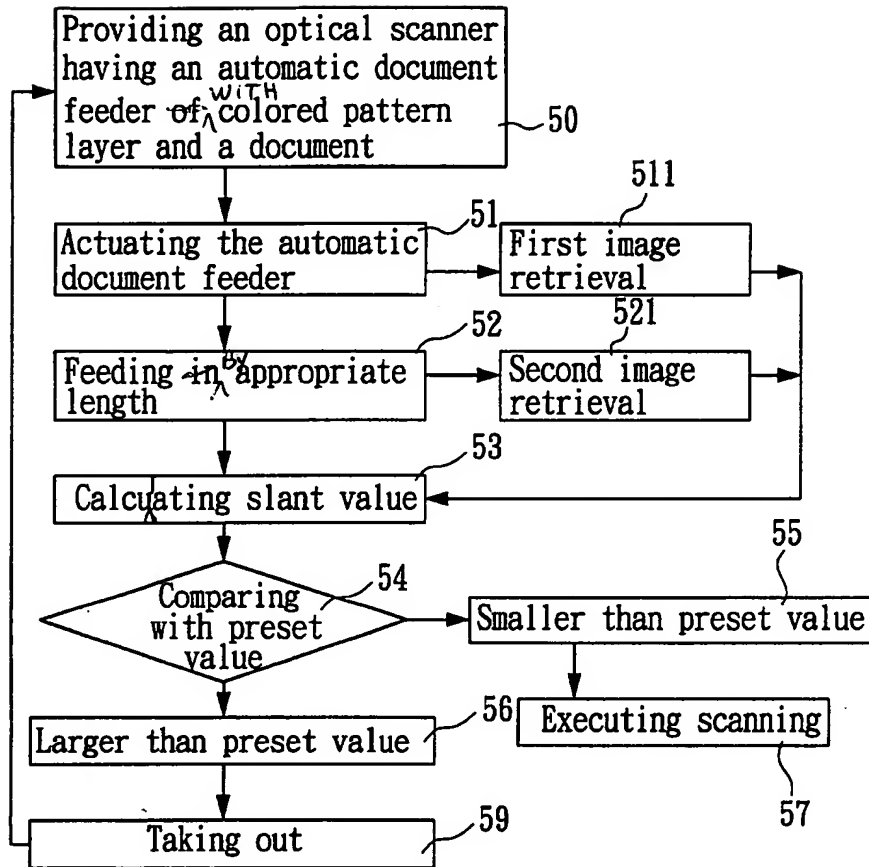


FIG. 9